

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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In the Matter of:)

Kathryn Y. Lewis-Campbell)

Respondent)

) Docket No. TSCA-05-2009-0004
)
)
)

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

ORDER REGARDING
COMPLAINANT'S MOTION FOR PRODUCTION OF INFORMATION

On July 14, 2009, Complainant filed a Motion for Production of Information, seeking an order directing Respondent to produce, as a supplement to its prehearing exchange, photographs of the property at issue in this proceeding, which Respondent had identified in its prehearing exchange as exhibits Respondent intended to introduce at hearing. The procedural rules governing this proceeding are set forth at 40 C.F.R. Part 22 and, as Respondent's counsel is aware, require a party to file its response to a written motion within 15 days of service of the motion. 40 C.F.R. § 22.16. Accordingly, Respondent was required to file its response to Complainant's Motion for Production of Information by July 29, 2009.

As of the date of this Order, the Court is not in possession of Respondent's response to Complainant's Motion for Production of Information. Counsel for Respondent is directed to submit a status report to the Court indicating whether a response to Complainant's Motion for Production of Information has been filed, and if no response has been filed, to show cause why an extension of the deadline for the response should be permitted, together with a proposed date for filing of the response. In issuing this Order, the Court notes that Complainant sought an opportunity to review the photographs in question prior to August 7, 2009, the date by which the Court directed the parties to file any prehearing motions. At this time, it is unclear whether Complainant has received the photographs in question. If Complainant has not yet received them, the Court will provide Complainant a subsequent opportunity to amend the Motion for Accelerated Decision on Liability and Appropriate Penalty filed by Complainant on August 7, 2009, in light of the photographs in question.

William B. Moran by Jennifer Weiss
William B. Moran
United States Administrative Law Judge

Dated: 9/3/09
Washington, D.C.

In the Matter of Kathryn Y. Lewis-Campbell, Respondent
Docket No. TSCA-05-2009-0004

CERTIFICATE OF SERVICE

I certify that a true copy of **Order Regarding Complainant's Motion for Production of Information**, dated, September 3, 2009 was sent this day in the following manner to the addressees listed below:

Original and one copy by Pouch Mail to:

Ladawn Whitehead
Regional Hearing Clerk
U.S. EPA - Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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Copy sent by Regular Mail and Facsimile sent to:

Richard Wagner, Esq.
Assistant Regional Counsel
U.S. EPA
77 West Jackson Blvd.
Chicago, IL 60604

Cassandra Collier-Williams, Esq.
P.O. Box 94062
Cleveland, OH 44101



Knolyn Jones
Legal Staff Assistant

Dated: September 3, 2009